



A RESOLUTION

BY TRANSPORTATION COMMITTEE

04-*R*-1987

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A DECLARATION OF COVENANTS AND RESTRICTIONS ON PROPERTY ACQUIRED BY THE CITY OF ATLANTA FOR CREATION OF WETLAND MITIGATION CREDITS TO OFFSET THE IMPACT OF CONSTRUCTING THE FIFTH RUNWAY PROJECT AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT ON WETLANDS SITUATED ON AIRPORT PROPERTY TO ENSURE COMPLIANCE WITH UNITED STATES ARMY CORPS OF ENGINEERS' REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City"), as owner and operator of the Hartsfield-Jackson Atlanta International Airport (the "Airport"), has undertaken the construction of an additional runway, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park ("College Park") and in unincorporated Clayton County; and

WHEREAS, the construction of the Fifth Runway Project has impacted several acres of wetlands along Sullivan Creek, a tributary to the Flint River Basin; and

WHEREAS, the United States Army Corps of Engineers ("USACE") require that mitigation and/or replacement of wetlands impacted by development activities occur within the same water basin; and

WHEREAS, on April 13, 1999, the City purchased approximately 35 acres of land suitable for use as stream preservation from Flintwood Farms, Inc. (the "Property"), said Property being situated in the Flint River Basin, south of the Airport in an area fronting the Flint River; and

WHEREAS, in conjunction with the mitigation requirements, specifically 404 Permit No. 970018261, Special Conditions Paragraph 14, issued by the USACE, on June 30, 1999, a Declaration of Covenants and Restrictions (the "Restrictive Covenant") must be executed and recorded to ensure the Property shall remain substantially in its current, natural and scenic condition in perpetuity; and

WHEREAS, it is in the City's best interest to execute a Restrictive Covenant for the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute on behalf of the City of Atlanta, a Restrictive Covenant, which shall provide for the placement of certain restrictions on the Property, exclusively for conservation purposes, in order that the Property shall remain substantially in its current, natural and scenic condition, in perpetuity.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare said Restrictive Covenant for execution by the Mayor.

BE IT FURTHER RESOLVED, that said Restrictive Covenant shall not become binding upon the City, and the City shall incur no obligation or liability thereunder until the same has been executed by the Mayor.

A true copy

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

NOV 15, 2004
NOV 19, 2004

RCS# 6280
11/15/04
8:59 PM

Atlanta City Council

Regular Session

04-R-1987 DECLARATION OF COVENANTS & RESTRICTIONS
WETLAND MITIGATION CRD/FIFTH RUNWAY PJT
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	NV Archibong	Y Moore	B Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

04-16-1987
(Do Not Write Above This Line)

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ADOPTED BY

NOV 15 2004

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐
Readings
☐ Consent ☐ V Vote ☒ RC

CERTIFIED

NOV 15 2004

NOV 15 2004

MAYOR'S ACTION
MUNICIPAL CLERK

NOV 19 2004